

Rick D. Roskelley, Utah Bar #7772  
rroskelley@littler.com  
Ethan D. Thomas, Utah Bar #15751  
edthomas@littler.com  
LITTLER MENDELSON, P.C.  
3960 Howard Hughes Parkway  
Suite 300  
Las Vegas, NV 89169-5937  
Telephone: 702.862.8800  
Facsimile: 702.862.8811

Attorneys for Defendant  
PAYLESS SHOESOURCE, INC., d.b.a. PAYLESS  
SHOESOURCE #2173

UNITED STATES DISTRICT COURT  
DISTRICT OF UTAH, CENTRAL DIVISION

SAMUEL BURNINGHAM,

Plaintiff,

v.

PAYLESS SHOESOURCE, INC., d.b.a.  
PAYLESS SHOESOURCE #2173,

Defendant.

Case No. 2:17-cv-00780-DN

**STIPULATED MOTION TO DISMISS  
ENTIRE CASE WITH PREJUDICE**

Judge: David Nuffer

Plaintiff, SAMUEL BURNINGHAM and Defendant, PAYLESS SHOESOURCE, INC.,  
d.b.a. PAYLESS SHOESOURCE #2173, by and through their respective counsel of record,  
hereby stipulate and respectfully request an order dismissing the entire action with prejudice.

///

Each party shall bear its own costs and fees for the claims dismissed by this Stipulation. A proposed order is attached hereto as Exhibit 1 and will also be submitted electronically to the Court.

Dated this 11<sup>th</sup> day of October, 2017

Dated this 11<sup>th</sup> day of October, 2017

/s/ Michael P. Studebaker

Michael P. Studebaker  
STUDEBAKER LEGAL SERVICES, P.C.

Attorney for Plaintiff  
SAM BURNINGHAM

/s/ Ethan D. Thomas

Rick D. Roskelley  
Ethan D. Thomas  
LITTLER MENDELSON, P.C.

Attorneys for Defendant  
PAYLESS SHOESOURCE, INC., d.b.a.  
PAYLESS SHOESOURCE #2173

Firmwide:150558015.1 090730.1003